

EXHIBIT C



IN THE DISTRICT COURT WITHIN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

U.S. BANK NATIONAL ASSOCIATION,
Plaintiff,

vs.

TONNIE NICHOLS,
BORIS NICHOLS,
UNITED STATES OF AMERICA, EX REL
THE SECRETARY OF HOUSING AND
URBAN DEVELOPMENT,
FIRST FIDELITY BANK, N.A.,
STATE OF OKLAHOMA EX REL.,
OKLAHOMA TAX COMMISSION,
JANE DOE, AS OCCUPANT OF THE
PREMISES,
JOHN DOE, AS OCCUPANT OF THE
PREMISES,
Defendants.

No. CJ-2017-1957

JUDGE DAMAN H. CANTRELL

**DISTRICT COURT
FILED**
FEB 20 2018
DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

JOURNAL ENTRY OF JUDGMENT

NOW on this the 16th day of Feb., 2018, the above cause came on for consideration by the court pursuant to regular assignment. The Plaintiff appeared by its attorneys, BAER & TIMBERLAKE, P.C., through the undersigned; and the Defendant, United States of America, ex rel The Secretary of Housing and Urban Development, appeared through Attorney, Jeffrey Gallant; and the Defendant, First Fidelity Bank, N.A., appeared through Attorney, Stephen L. Bruce; and the Defendant, State of Oklahoma ex rel., Oklahoma Tax Commission, appeared through Attorney, Megan A. Winter; and none of the remaining Defendants appeared, neither in person nor by attorney.

The Court thereupon examined the pleadings, process and files in this cause, and being fully advised in the premises, finds that due and regular service of summons with copy of Plaintiff's Petition attached, has been made upon the Defendant, Tonnie Nichols, as provided by law, and that said Summons and said service thereof is legal and regular in all respects. That the answer day in said summons has expired, and that said Defendant has failed to answer or otherwise plead or appear herein and is in default and is hereby adjudged in default.

The Court further finds that due and regular service of summons with copy of Plaintiff's Petition attached, has been made upon the Defendant, Boris Nichols, as provided by law, and that said Summons and said service thereof is legal and regular in all respects. That the answer day in said summons has expired, and that said Defendant has failed to answer or otherwise plead or appear herein and is in default and is hereby adjudged in default.

BT: 113513



The Court further finds that due and regular service of summons with copy of Plaintiff's Petition attached, has been made upon the Defendant, United States of America, ex rel The Secretary of Housing and Urban Development, as provided by law, and that said Summons and said service thereof is legal and regular in all respects. That the answer day in said summons has expired, and that said Defendant has heretofore filed an Answer to the Petition of Plaintiff on file herein.

The Court further finds that due and regular service of summons with copy of Plaintiff's Petition attached, has been made upon the Defendant, First Fidelity Bank, N.A., as provided by law, and that said Summons and said service thereof is legal and regular in all respects. That the answer day in said summons has expired, and that said Defendant has heretofore filed an Answer to the Petition of Plaintiff on file herein.

The Court further finds that due and regular service of summons with copy of Plaintiff's Petition attached, has been made upon the Defendant, State of Oklahoma ex rel., Oklahoma Tax Commission, as provided by law, and that said Summons and said service thereof is legal and regular in all respects. That the answer day in said summons has expired, and that said Defendant has heretofore filed an Answer to the Petition of Plaintiff on file herein.

The Court further finds from the Affidavit as to Military Service on file herein, that the Defendants, Tonnie Nichols and Boris Nichols, are not presently engaged in the military service of the United States, as provided by the Servicemembers Civil Relief Act of 2003 (SCRA), as determined by a search of the DOD Military Status website ("DMDC"), in combination with the name(s) and Social Security numbers on file.

Thereupon, the parties so appearing, either in person or by pleading as above set forth, the Plaintiff then moved by pleading for a dismissal of this cause as against the Defendant, Jane Doe, as occupant of the premises, on the grounds that the property is owner occupied and against the Defendant, John Doe, as occupant of the premises, on the grounds that the property is owner occupied, as evidenced by the Returns of Service filed herein and the Court considering said motion and being fully advised in the premises, finds that this cause should be, and hereby is dismissed as against said Defendants, Jane Doe, as occupant of the premises and John Doe, as occupant of the premises, and each of them, on said grounds, and the Court further finds that said Defendants in fact have no right, title or interest in or to the real estate and premises hereinafter described.

Thereupon, the parties so appearing as above set forth, the Court, being fully advised in the premises, finds generally in favor of the Plaintiff and against the Defendants above-named, and each of them, and that the allegations of Plaintiff's Petition are true.

The Court further finds that the original mortgagors, Tonnie Nichols and Boris Nichols, made, executed and delivered the note and mortgage sued upon by the Plaintiff and that said Plaintiff is entitled to enforce the Note; and that there is a balance due, owing and unpaid thereon in the sum of:

Reason	Amount
Unpaid Principal Balance:	\$124,885.19
Date of Default:	09/01/2016
Interest Due From:	08/01/2016
Interest Rate(s):	3.875% *
Lender's Fees & Costs:	
BPO	\$735.00
Escrow Advance	\$4,129.07
Property Preservation	\$20.00
Fees & Costs of this Action:	
Attorney fees	\$1,400.00

* or as adjusted by the Note and Mortgage

including all subsequent advances by Plaintiff, if any, for taxes, insurance premiums, or expenses necessary for the preservation of the subject property, all costs of this action; reasonable attorney's fees and costs as the Court may allow including fees and costs incurred during the enforcement of the judgment; and that said amounts are secured by said mortgage and constitute a first, prior and superior lien upon the real estate and premises hereinafter described, and that any and all right, title or interest which the Defendants in and to this cause, or any or either of them, have, or claim to have in or to said real estate and premises is subsequent, junior and inferior to the mortgage and lien of the Plaintiff.

The Court further finds that the Defendants, Boris Nichols and Tonnie Nichols, were married at the time they executed the mortgage sued upon, and they at all times since remained, and now are, married.

The Court further finds that the Defendant, United States of America, ex rel The Secretary of Housing and Urban Development, has a lien by virtue of the following Mortgages, filed January 16, 2015, recorded under Document No. 2015003747, executed by Tonnie Nichols and Boris Nichols, wife and husband, in the principal sum of \$25,013.67; filed August 23, 2016, recorded under Document No. 2016078316, executed by Tonnie Nichols and Boris Nichols, wife and husband, in the principal sum of \$14,285.52, and that said amounts are secured by and constitute a lien against the real estate and premises herein sued upon, subject to the first and prior mortgage and lien of the Plaintiff. **Notwithstanding any state law otherwise applicable to this action, no debt to the United States is deemed satisfied without such debt, in fact, being fully paid. Any sale of the subject property is subject under federal law to the United States' statutory right of redemption, 28 U.S.C. Sec. 2410(c).**

The Court further finds that the Defendant, First Fidelity Bank, N.A., has a lien by virtue of Statement of Judgment, Case No. CS-2012-05182, filed September 12, 2012, recorded under document No. 2012089701, in the office of the County Clerk for Tulsa County, State of Ok-

lahoma. Which lien secures payment of the balance due in the amount of \$11,160.29 a lien against the real estate and premises sued upon herein, subject to the first and prior mortgage and lien of the Plaintiff.

The Court further finds that the Defendant, State of Oklahoma ex rel., Oklahoma Tax Commission, has a lien by virtue of Tax Warrant No. 1141784576, filed April 1, 2016, recorded under Document No. 2016029370; No. 2107727872, filed January 18, 2017, recorded under Document No. 2017005334, in the office of the County Clerk for Tulsa County, State of Oklahoma, and that said amounts are secured by and constitute a lien against the real estate and premises herein sued upon, subject to the first and prior mortgage and lien of the Plaintiff.

The Court further finds that defaults have occurred under the terms and conditions of said note and mortgage as alleged in Plaintiff's Petition and that the Plaintiff is entitled to a foreclosure of its mortgage sued upon in this cause, as against all of the Defendants in and to this cause, and each of them.

The Court further finds that said mortgage owned, held and sued upon by the Plaintiff herein expressly waives appraisalment or not at the option of the owner and holder thereof, such option to be exercised at the time judgment is rendered herein, and that the Plaintiff elects to have said property sold with appraisalment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff, U.S. BANK NATIONAL ASSOCIATION, have judgment *in personam* against the Defendants, Tonnie Nichols and Boris Nichols, and each of them, in the sum of:

Reason	Amount
Unpaid Principal Balance:	\$124,885.19
Date of Default:	09/01/2016
Interest Due From:	08/01/2016
Interest Rate(s):	3.875% *
Lender's Fees & Costs:	
BPO	\$735.00
Escrow Advance	\$4,129.07
Property Preservation	\$20.00
Fees & Costs of this Action:	
Attorney fees	\$1,400.00

* or as adjusted by the Note and Mortgage

including the further sum of all advances by Plaintiff, if any, for taxes, insurance premiums, or expenses necessary for the preservation of the subject property; and for all costs of this action; and any reasonable attorney fees and costs incurred during the enforcement of the judgment; and

that said amounts are secured by said mortgage and constitute a first, prior and superior lien upon the real estate and premises located in Tulsa County, Oklahoma, described as follows:

Lot Four (4), Block Six (6), Longview Acres, an Addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof;

and that any and all right, title or interest which all of the Defendants, or any or either of them, have, or claim to have, in or to said real estate and premises is subsequent, junior and inferior to the mortgage and lien of the Plaintiff, except for unpaid real property ad valorem taxes and/or special assessments which are superior by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, United States of America, ex rel The Secretary of Housing and Urban Development, has a lien by virtue of the following Mortgages, filed January 16, 2015, recorded under Document No. 2015003747, executed by Tonnie Nichols and Boris Nichols, wife and husband, in the principal sum of \$25,013.67; filed August 23, 2016, recorded under Document No. 2016078316, executed by Tonnie Nichols and Boris Nichols, wife and husband, in the principal sum of \$14,285.52, and that said amounts are secured by and constitute a lien against the real estate and premises herein sued upon, subject to the first and prior mortgage and lien of the Plaintiff. **Notwithstanding any state law otherwise applicable to this action, no debt to the United States is deemed satisfied without such debt, in fact, being fully paid. Any sale of the subject property is subject under federal law to the United States' statutory right of redemption, 28 U.S.C. Sec. 2410(c).**

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, First Fidelity Bank, N.A., has a lien by virtue of Statement of Judgment, Case No. CS-2012-05182, filed September 12, 2012, recorded under document No. 2012089701, in the office of the County Clerk for Tulsa County, State of Oklahoma. Which lien secures payment of the balance due in the amount of \$11,160.29 a lien against the real estate and premises sued upon herein, subject to the first and prior mortgage and lien of the Plaintiff.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, State of Oklahoma ex rel., Oklahoma Tax Commission, has a lien by virtue of Tax Warrant No. 1141784576, filed April 1, 2016, recorded under Document No. 2016029370; No. 2107727872, filed January 18, 2017, recorded under Document No. 2017005334, in the office of the County Clerk for Tulsa County, State of Oklahoma, and that said amounts are secured by and constitute a lien against the real estate and premises herein sued upon, subject to the first and prior mortgage and lien of the Plaintiff.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the mortgage and lien of the Plaintiff in the amounts hereinabove found and adjudged be foreclosed, and a special execution and order of sale issue out of the office of the District Court Clerk in this cause, directed to the Sheriff to levy upon, advertise and sell, after due and legal appraisalment, the real estate and premises hereinabove described, subject to unpaid taxes, advancements by Plaintiff for taxes, insurance premiums, or expenses necessary for the preservation of the subject

property, if any, and pay the proceeds of said sale to the Clerk of this Court, as provided by law, for application as follows:

First: To the payment of the costs herein accrued and accruing.

Second: To the payment of the judgment and lien of the Plaintiff in the amounts herein set out and any advancements by Plaintiff for taxes, insurance premiums or expenses necessary for the preservation of the subject property.

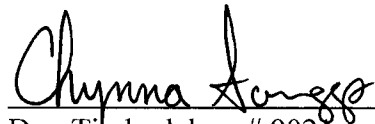
Third: The balance, if any, to be paid to the clerk of this Court, to await the further order of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that upon confirmation of said sale, the Defendants herein, and each of them, and all persons claiming by, through or under them since the commencement of this action, be forever barred, foreclosed and enjoined from asserting or claiming any right, title, interest, estate, or equity of redemption in or to said real estate and premises, or any part thereof. **Notwithstanding any state law otherwise applicable to this action, no debt to the United States is deemed satisfied without such debt, in fact, being fully paid. Any sale of the subject property is subject under federal law to the United States' statutory right of redemption, 28 U.S.C. Sec. 2410(c). Except claims of the State for which it has not been put on notice, if any.**



JUDGE OF THE DISTRICT COURT

Approved:



Don Timberlake - # 9021

Gary D. Baer - # 0407

✓ Chynna Scruggs - # 32663

Kim Jenkins - # 32809

William H. Sullivan - # 8761

BAER & TIMBERLAKE, P.C.

P.O. Box 18486

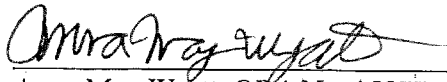
Oklahoma City, OK 73154-0486

Telephone: (405) 842-7722

Facsimile: (405) 848-9349

don@baer-timberlake.com

Approved:



Anna May Wyatt, OBA No. 15877
Assistant General Counsel
Oklahoma Tax Commission
Legal Division
100 N. Broadway, Suite 1500
Oklahoma City, OK 73102
Telephone: (405) 522-9460
Fax: 405-601-7144

U.S. BANK NATIONAL ASSOCIATION, Plaintiff

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Tonnie Nichols, et al., Defendant(s).

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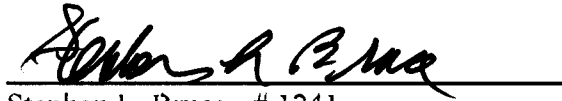
Tulsa County, Oklahoma

Journal Entry of Judgment

BT: 113513



Approved:



Stephen L. Bruce - # 1241
Attorney for Defendant First Fidelity Bank,
N.A.
P.O. Box 808
Edmond, OK 73083
Telephone: 1 (405) 330-4110
Facsimile: 1 (405) 330-4559

U.S. BANK NATIONAL ASSOCIATION, Plaintiff

vs.

Tonnie Nichols, et al., Defendant(s).

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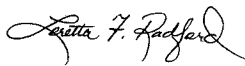
Tulsa County, Oklahoma

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Approved:



Loretta Radford, OBA No. 11158
Attorney for Defendant United States of
America, ex rel The Secretary of Housing and
Urban Development
Assistant United States Attorney
110 West Seventh Street, Ste. 300
Tulsa, OK 74119-1013
Telephone: 1 (918) 382-2700

U.S. BANK NATIONAL ASSOCIATION, Plaintiff

vs.

Tonnie Nichols, et al., Defendant(s).

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Tulsa County, Oklahoma

Journal Entry of Judgment

